

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NIPPON SHINYAKU CO., LTD.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 21-1015 (JLH)
)	
SAREPTA THERAPEUTICS, INC.,)	
)	
Defendant.)	
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SAREPTA THERAPEUTICS, INC. and THE)	
UNIVERSITY OF WESTERN AUSTRALIA,)	
)	
Defendant/Counter-Plaintiffs,)	
)	
v.)	
)	
NIPPON SHINYAKU CO., LTD.)	
and NS PHARMA, INC.,)	
)	
Plaintiff/Counter-Defendants.)	

STIPULATION AND ~~PROPOSED~~ ORDER REGARDING ADMISSIBILITY

Plaintiff and Counter-Defendants Nippon Shinyaku Co., Ltd. and NS Pharma Inc. (“Plaintiffs”) and Defendant and Counter-Plaintiffs Sarepta Therapeutics, Inc and The University of Western Australia (“Defendants”), stipulate and agree as follows:

Subject to resolution of the parties’ motions *in limine*,¹ the parties agree that the following documents identified by their Bates number range (or other identifying descriptor, if no Bates range is available) shall otherwise be presumed admissible for the purposes of this lawsuit only absent a showing of good cause:

SRPT-VYDS-0246333
(DTX-1581)

SRPT-VYDS-0210679-695
(DTX-0035, DTX-0631)

Jarosz Op. Rep. Tab 6
(DTX-1475)

¹ The parties agree that this stipulation does not obviate any objections raised to use of these documents pursuant to the parties’ pending or granted motions *in limine*.

SRPT-VYDS-0219874 (DTX-1065)	SRPT-VYDS-0210696 (DTX-1047)	Jarosz Op. Rep. Tab 12 (DTX-1481)
SRPT-VYDS-0219883 (DTX-1006)	SRPT-VYDS-0210697 (DTX-1048)	Jarosz Supp. Op. Rep. Tab 3 (DTX-1613)
SRPT-VYDS-0213333-80 (DTX-0047)	SRPT-VYDS-0210698 (DTX-1049)	Jarosz Supp. Op. Rep. Tab 4 (DTX-1614)
SRPT-VYDS-0213393-403 (DTX-0636)	SRPT-VYDS-0210701-25 (DTX-1055)	Jarosz Supp. Op. Rep. Tab 5 (DTX-1615)
SRPT-VYDS-0213381-82 (DTX-1108)	SRPT-VYDS-0210699 (DTX-1053)	Jarosz Supp. Op. Rep. Tab 6 (DTX-1616)
SRPT-VYDS-0213383-92 (DTX-0048)	SRPT-VYDS-0210700 (DTX-1054)	Jarosz Supp. Op. Rep. Tab 7 (DTX-1617)
SRPT-VYDS-0213404-10 (DTX-1109)	SRPT-VYDS-0210727-91 (DTX-0036)	Jarosz Supp. Op. Rep. Tab 8 (DTX-1618)
SRPT-VYDS-0213330-32 (DTX-0049, DTX-0635)	SRPT-VYDS-0210726 (DTX-1056)	Jarosz Supp. Op. Rep. Tab 9 (DTX-1619)
SRPT-VYDS-0213411-44 (DTX-1110)	SRPT-VYDS-0210792 (DTX-1002)	Jarosz Supp. Op. Rep. Tab 10 (DTX-1620)
SRPT-VYDS-0213458-507 (DTX-1112)	SRPT-VYDS-0210793 (DTX-1057)	Jarosz Supp. Op. Rep. Tab 11 (DTX-1621)
SRPT-VYDS-0213445-50 (DTX-0057)	SRPT-VYDS-0210794 (DTX-1058)	Jarosz Supp. Op. Rep. Tab 12 (DTX-1622)
SRPT-VYDS-0213451-57 (DTX-1111)	SRPT-VYDS-0210795 (DTX-1059)	Jarosz Supp. Op. Rep. Tab 13 (DTX-1623)
SRPT-VYDS-0213508-41 (DTX-0129)	SRPT-VYDS-0210796 (DTX-1060)	Jarosz Supp. Reb. Rep. Tab 3 (DTX-1687)
SRPT-VYDS-0219991-20030 (DTX-1118)	SRPT-VYDS-0210797 (DTX-1061)	Jarosz Supp. Reb. Rep. Tab 4 (DTX-1688)
SRPT-VYDS-0220074-79 (DTX-1121)	SRPT-VYDS-0210798 (DTX-1062)	Jarosz Supp. Reb. Rep. Tab 5 (DTX-1689)
SRPT-VYDS-0220070-73 (DTX-1120)	SRPT-VYDS-0210799 (DTX-1063)	Jarosz Supp. Reb. Rep. Tab 6 (DTX-1690)
SRPT-VYDS-0219822-25 (DTX-0637)	SRPT-VYDS-0210802-36 (DTX-1004)	Jarosz Supp. Reb. Rep. Tab 7 (DTX-1691)
SRPT-VYDS-0219933-38 (DTX-1115)	SRPT-VYDS-0210800 (DTX-1003)	Jarosz Supp. Reb. Rep. Tab 8 (DTX-1692)
SRPT-VYDS-0219884-91 (DTX-0055)	SRPT-VYDS-0210801 (DTX-1064)	Jarosz Supp. Reb. Rep. Tab 9 (DTX-1693)
SRPT-VYDS-0220031-39 (DTX-1119)	SRPT-VYDS-0227788-825 (DTX-1008)	Jarosz Supp. Reb. Rep. Tab 10 (DTX-1694)
SRPT-VYDS-0219875-82 (DTX-1113)	SRPT-VYDS-0227826 (DTX-1009)	Jarosz Supp. Reb. Rep. Tab 11 (DTX-1695)
SRPT-VYDS-0219826-73 (DTX-1041)	SRPT-VYDS-0227827 (DTX-1075)	Jarosz Supp. Reb. Rep. Tab 12 (DTX-1696)
SRPT-VYDS-0219892-932 (DTX-1114)	SRPT-VYDS-0227828 (DTX-1076)	Jarosz Supp. Reb. Rep. Tab 13 (DTX-1697)

SRPT-VYDS-0219939-44 (DTX-1116)	SRPT-VYDS-0233426-508 (DTX-0708)	Jarosz Supp. Reb. Rep. Tab 14 (DTX-1698)
SRPT-VYDS-0219945-62 (DTX-1117)	SRPT-VYDS-0232123-262 (DTX-0709)	Jarosz Supp. Reb. Rep. Tab 15 (DTX-1699)
SRPT-VYDS-0219963-90 (DTX-0052)	SRPT-VYDS-0232596-692 (DTX-0710)	Jarosz Supp. Reb. Rep. Tab 16 (DTX-1700)
SRPT-VYDS-0220040-67 (DTX-0051)	SRPT-VYDS-0232845-918 (DTX-0711)	Jarosz Supp. Reb. Rep. Tab 17 (DTX-1701)
SRPT-VYDS-0220068-69 (DTX-1042)	SRPT-VYDS-0233096-169 (DTX-0712)	Jarosz Supp. Reb. Rep. Tab 18 (DTX-1702)
SRPT-VYDS-0233649-795 (DTX-0698)	SRPT-VYDS-0233342-425 (DTX-0713)	Jarosz Supp. Reb. Rep. Tab 19 (DTX-1703)
SRPT-VYDS-0233796-923 (DTX-0699)	SRPT-VYDS-0232491-595 (DTX-0714)	Jarosz Supp. Reb. Rep. Tab 20 (DTX-1704)
SRPT-VYDS-0233924-107 (DTX-0700)	SRPT-VYDS-0232773-844 (DTX-0715)	Jarosz Supp. Reb. Rep. Tab 21 (DTX-1705)
SRPT-VYDS-0234108-296 (DTX-0701)	SRPT-VYDS-0233005-095 (DTX-0716)	Jarosz Supp. Reb. Rep. Tab 22 (DTX-1706)
SRPT-VYDS-0234297-447 (DTX-0702)	SRPT-VYDS-0233258-341 (DTX-0717)	Jarosz Supp. Reb. Rep. Tab 23 (DTX-1707)
SRPT-VYDS-0234448-613 (DTX-0703)	SRPT-VYDS-0233509-593 (DTX-0718)	Jarosz Supp. Reb. Rep. Tab 24 (DTX-1708)
SRPT-VYDS-0246710-877 (DTX-1610)	SRPT-VYDS-0232919-3004 (DTX-0706)	Jarosz Supp. Reb. Rep. Tab 25 (DTX-1709)
SRPT-VYDS-0246335-408 (DTX-1607)	SRPT-VYDS-0233170-257 (DTX-0707)	Jarosz Supp. Reb. Rep. Tab 26 (DTX-1710)
SRPT-VYDS-0246409-626 (DTX-1608)	SRPT-VYDS-0232693-772 (DTX-0704)	Jarosz Supp. Reb. Rep. Tab 27 (DTX-1711)
SRPT-VYDS-0246627-709 (DTX-1609)	SRPT-VYDS-0232263-490 (DTX-0705)	Jarosz Supp. Reb. Rep. Tab 28 (DTX-1712)
Hosfield Supp. Ex. 3A (PTX-1687)	Jarosz Supp. Reb. Rep. Tab 37 (DTX-1721)	Jarosz Supp. Reb. Rep. Tab 29 (DTX-1713)
Hosfield Supp. Ex. 3B (PTX-1688)	Jarosz Supp. Reb. Rep. Tab 38 (DTX-1722)	Jarosz Supp. Reb. Rep. Tab 30 (DTX-1714)
Hosfield Supp. Ex. 3C (PTX-1689)	Jarosz Supp. Reb. Rep. Tab 39 (DTX-1723)	Jarosz Supp. Reb. Rep. Tab 31 (DTX-1715)
Hosfield Supp. Ex. 4 (PTX-1690)	Hosfield Supp. Appx. B (PTX-1696)	Jarosz Supp. Reb. Rep. Tab 32 (DTX-1716)
Hosfield Supp. Ex. 5 (PTX-1691)	Hosfield Supp. Reb. Ex. 3 (PTX-1699)	Jarosz Supp. Reb. Rep. Tab 33 (DTX-1717)
Hosfield Supp. Ex. 6 (PTX-1692)	Hosfield Supp. Reb. Ex. 4 (PTX-1700)	Jarosz Supp. Reb. Rep. Tab 34 (DTX-1718)
Hosfield Supp. Ex. 8 (PTX-1694)	Hosfield Supp. Reb. Ex. 5 (PTX-1701)	Jarosz Supp. Reb. Rep. Tab 35 (DTX-1719)
Hosfield Supp. Appx. A (PTX-1695)	SRPT-VYDS-0211495-500 (DTX-0009)	Jarosz Supp. Reb. Rep. Tab 36 (DTX-1720)

SRPT-VYDS-0247089-092 (DTX-1773)	SRPT-VYDS-0246984-019 (DTX-1781)	SRPT-VYDS-0246950-981 (DTX-1779)
SRPT-VYDS-0247083-088 (DTX-1786)	SRPT-VYDS-0246922-947 (DTX-1777)	SRPT-VYDS-0246948-949 (DTX-1778)
SRPT-VYDS-0246878-884 (DTX-1774)	SRPT-VYDS-0246982-983 (DTX-1780)	SRPT-VYDS-0247020-044 (DTX-1782)
SRPT-VYDS-0246897-921 (DTX-1776)	Jarosz 2d Supp. Op. Rep. Tab 4 (DTX-1825)	Jarosz 2d Supp. Op. Rep. Tab 5 (DTX-1826)
Jarosz 2d Supp. Op. Rep. Tab 3 (DTX-1824)	Jarosz 2d Supp. Op. Rep. Tab 7 (DTX-1828)	Jarosz 2d Supp. Op. Rep. Tab 8 (DTX-1829)
Jarosz 2d Supp. Op. Rep. Tab 6 (DTX-1827)	Jarosz 2d Supp. Op. Rep. Tab 10 (DTX-1831)	Jarosz 2d Supp. Op. Rep. Tab 11 (DTX-1832)
Jarosz 2d Supp. Op. Rep. Tab 9 (DTX-1830)	Jarosz 2d Supp. Op. Rep. Tab 13 (DTX-1834)	Jarosz 2d Supp. Reb. Rep. Tab 3 (DTX-1866)
Jarosz 2d Supp. Op. Rep. Tab 12 (DTX-1833)	Jarosz 2d Supp. Reb. Rep. Tab 5 (DTX-1868)	Jarosz 2d Supp. Reb. Rep. Tab 6 (DTX-1869)
Jarosz 2d Supp. Reb. Rep. Tab 4 (DTX-1867)	Jarosz 2d Supp. Reb. Rep. Tab 8 (DTX-1871)	Jarosz 2d Supp. Reb. Rep. Tab 9 (DTX-1872)
Jarosz 2d Supp. Reb. Rep. Tab 7 (DTX-1870)	Jarosz 2d Supp. Reb. Rep. Tab 11 (DTX-1874)	Jarosz 2d Supp. Reb. Rep. Tab 12 (DTX-1875)
Jarosz 2d Supp. Reb. Rep. Tab 10 (DTX-1873)	Jarosz 2d Supp. Reb. Rep. Tab 14 (DTX-1877)	Jarosz 2d Supp. Reb. Rep. Tab 15 (DTX-1878)
Jarosz 2d Supp. Reb. Rep. Tab 13 (DTX-1876)	Jarosz 2d Supp. Reb. Rep. Tab 17 (DTX-1880)	Jarosz 2d Supp. Reb. Rep. Tab 18 (DTX-1881)
Jarosz 2d Supp. Reb. Rep. Tab 16 (DTX-1879)	Jarosz 2d Supp. Reb. Rep. Tab 20 (DTX-1883)	Jarosz 2d Supp. Reb. Rep. Tab 21 (DTX-1884)
Jarosz 2d Supp. Reb. Rep. Tab 19 (DTX-1882)	Jarosz 2d Supp. Reb. Rep. Tab 23 (DTX-1886)	Jarosz 2d Supp. Reb. Rep. Tab 24 (DTX-1887)
Jarosz 2d Supp. Reb. Rep. Tab 22 (DTX-1885)	Jarosz 2d Supp. Reb. Rep. Tab 26 (DTX-1889)	Jarosz 2d Supp. Reb. Rep. Tab 27 (DTX-1890)
Jarosz 2d Supp. Reb. Rep. Tab 25 (DTX-1888)	Jarosz 2d Supp. Reb. Rep. Tab 29 (DTX-1892)	Jarosz 2d Supp. Reb. Rep. Tab 30 (DTX-1893)

Jarosz 2d Supp. Reb. Rep. Tab 28 (DTX-1891)	Jarosz 2d Supp. Reb. Rep. Tab 32 (DTX-1895)	Jarosz 2d Supp. Reb. Rep. Tab 33 (DTX-1896)
Jarosz 2d Supp. Reb. Rep. Tab 31 (DTX-1894)	Jarosz 2d Supp. Reb. Rep. Tab 35 (DTX-1898)	Jarosz 2d Supp. Reb. Rep. Tab 36 (DTX-1899)
Jarosz 2d Supp. Reb. Rep. Tab 34 (DTX-1897)	Jarosz 2d Supp. Reb. Rep. Tab 38 (DTX-1901)	Jarosz 2d Supp. Reb. Rep. Tab 39 (DTX-1902)
Jarosz 2d Supp. Reb. Rep. Tab 37 (DTX-1900)		
NS00156944 (PTX1622)	NS00065881 (PTX1289)	NS00036935 (PTX0342)
NS00156939-40 (PTX1618)	NS00073479 (PTX0092)	NS00036957 (PTX0358)
NS00156942 (PTX1620)	NS00074895 (PTX0093)	PTX0381
NS00156943 (PTX1621)	NS00075034 (PTX0094)	NS00036928 (PTX0382)
NS00036893 (PTX0374)	NS00074956 (PTX0095)	NS00036948 (PTX1174)
NS00036879 (PTX1242)	NS00074976 (PTX0096)	NS00036952 (PTX1175)
NS00036966 (PTX0375, PTX0376)	NS00074987 (PTX0097)	NS00036909 (PTX1220)
NS00036968 (PTX0377, PTX0378)	NS00074933 (PTX0098)	NS00091198 (PTX1221)
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NS00091312 (PTX0084)	NS00075122 (PTX0100)	NS00091193 (PTX1232)
NS00091314 (PTX0380)	NS00074932 (PTX1302)	NS00090904 (PTX1243)
NS00156941 (PTX1619)	NS00074986 (PTX1303)	NS00091128 (PTX1244)
NS00073427 (PTX0348, PTX0349)	NS00075033 (PTX1304)	NS00091117 (PTX1245)
NS00091066; NS00073467 (PTX1288)	NS00075076 (PTX1305)	NS00091120 (PTX1246)
NS00073428; NS00090984 (PTX1295)	NS00075121 (PTX1306)	NS00091123 (PTX1247)
NS00073428; NS00090984 (PTX1296)	NS00075162 (PTX1307)	NS00065822 (PTX1248)

NS00091106	NS00075163	UWA0000015
(PTX1301)	(PTX1308)	(PTX0291)
NS00073451; NS00091032	NS00074042	SRPT-VYDS-0154831
(PTX1298)	(PTX0080)	(PTX0481)
NS00073402; NS00090927	NS00074025	SRPT-VYDS-0154863
(PTX1291)	(PTX0088)	(PTX0482)
NS00073409; NS00090942	NS00074040	SRPT-VYDS-0154890
(PTX1292)	(PTX0111)	(PTX0296)
NS00073419; NS00090963	NS00140986	SRPT-VYDS-0205761
(PTX1293)	(PTX0807)	(PTX0819)
NS00073460; NS00091051	NS00140996	SRPT-VYDS-0207092
(PTX1299)	(PTX0833)	(PTX0146)
NS00073442; NS00091013	NS00073811	SRPT-VYDS-0207088
(PTX1297)	(PTX1249)	(PTX0489)
NS00065911; NS00090914	NS00073824	SRPT-VYDS-0207178
(PTX1290)	(PTX1250)	(PTX0487)
NS00140998	NS00140987	SRPT-VYDS-0206708
(PTX1255)	(PTX1251)	(PTX0272)
NS00140999	NS00140988	SRPT-VYDS-0206870
(PTX1256)	(PTX1252)	(PTX0490)
NS00141000	NS00140995	SRPT-VYDS-0206683
(PTX1257)	(PTX1253)	(PTX0491)
NS00141001	NS00140997	SRPT-VYDS-0204720
(PTX1258)	(PTX1254)	(PTX0492)
NS00157824	NS00157825	NS00157826_Replacement
(PTX1762)	(PTX1763)	(PTX1764)
SRPT-VYDS-0247660	Hosfield 2nd Supp. Ex. 3A	Hosfield 2nd Supp. Ex. 3B
(PTX1765)	(PTX1854)	(PTX1855)
Hosfield 2nd Supp. Ex. 3C	Hosfield 2nd Supp. Ex. 4	Hosfield 2nd Supp. Ex. 5
(PTX1856)	(PTX1857)	(PTX1858)
Hosfield 2nd Supp. Ex. 6	Hosfield 2nd Supp. Ex. 8	Hosfield 2nd Supp. Appx. A
(PTX1859)	(PTX1860)	(PTX1861)
Hosfield 2nd Supp. Appx. B	Hosfield 2nd Supp. Reb. Ex. 3	Hosfield 2nd Supp. Reb. Ex. 4
(PTX1862)	(PTX1867)	(PTX1868)
Hosfield 2nd Supp. Reb. Ex. 5		
(PTX1869)		

Good cause would include issues relating to the completeness of the document (e.g., missing or incomplete pages). Good cause would additionally include the document being used in a manner contrary to a granted motion *in limine*.

The parties agree to meet and confer in good faith regarding any disputes about whether there is good cause to dispute the admissibility of a document under the terms of this stipulation,

and reserve the right to raise any disputes as to whether the good cause standard is met with regard to a challenged document with the Court prior to the introduction of that document at trial. Stipulating to the admissibility of these documents does not constitute a waiver of any claim or defense.

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Attorneys for Defendants

December 11, 2024

SO ORDERED this 13th day of December, 2024.



United States District Court Judge